

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M. No. 6807-CII of 2005
in C.R.No. 1722 of 2005 (O&M)**

Date of decision : 17.10.2006.

Jai Singh & Ors.

.....Petitioners.

Versus

Lakhpat & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Ashish Aggarwal, Advocate
for the petitioners.

VINOD K. SHARMA, J. (ORAL)

The present revision petition has been filed against the order dated 30.9.2004 passed by the learned Civil Judge (Jr. Divn.), Karnal vide which application for setting aside the ex parte decree has been allowed.

The case of the respondent-applicant was that no service was effected. In support of this contention he has produced Chowkidar, who has stated that no munadi was carried out and refusal report obtained by the petitioner was in fact signed by his son and, therefore, the learned Courts below disbelieved the report of refusal and on appreciation of evidence came to the conclusion that there were sufficient grounds for setting aside the ex parte decree and judgment as the respondent-defendant had not been served. The learned counsel for the petitioner contends that the impugned order cannot be sustained as the refusal has been witnessed by the two witnesses and this fact has not been taken into consideration while holding that the report of refusal was not correct.

The learned counsel for the petitioner further contends that the expert evidence produced by the petitioner has not been considered. This contention of the learned counsel for the petitioner is misconceived as the learned court below has taken into consideration the evidence led by the petitioner in the order and did not accept the same for valid and good reasons.

No ground for interference.

Dismissed.

October 17,2006
'sp'

**(VINOD K. SHARMA)
JUDGE**